

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

RED BARN MOTORS, INC., PLATINUM)
MOTORS, INC., and MATTINGLY AUTO)
SALES, INC., individually and on behalf of)
other members of the general public similarly)
situated,)

Plaintiffs,)

v.)

NEXTGEAR CAPITAL, INC. f/k/a DEALER)
SERVICES CORPORATION,)

Defendant.)

Case No. 1:14-cv-01589-TWP-DLP

JOINT MOTION TO HOLD FINAL APPROVAL HEARING REMOTELY

Plaintiffs Red Barn Motors, Inc., Platinum Motors, Inc., and Mattingly Auto Sales, Inc. (collectively, “Plaintiffs”) and Defendant NextGear Capital, Inc. (“NextGear”) hereby jointly move the Court to conduct the upcoming Final Approval Hearing (the “Fairness Hearing”) remotely using Zoom or similar technology. The Fairness Hearing is presently scheduled to commence on Tuesday, September 28, 2021, at 2:00 p.m. in the Birch Bayh Federal Building & United States Courthouse, Courtroom 344, 46 East Ohio Street, Indianapolis, Indiana 46204.

On June 7, 2021, the Court entered an order granting Plaintiffs’ motion for preliminary approval of the Settlement Agreement. Dkt. 378 (the “Order”). In the Order, the Court set the Fairness Hearing for September 28, 2021, and ordered that Objections and Opt-Out Requests be submitted no later than September 10, 2021. The Order also approved Donlin Recano & Company, Inc. (“Donlin Recano”) as Settlement Administrator, and set deadlines to mail Class Notice and for briefing the motion for final approval. The motion for final approval will be filed on or before August 27, 2021.

Given that many of the lawyers representing the parties in this case are located out-of-state, and that travel to the Court may be unsafe due to the ongoing coronavirus pandemic, Plaintiffs and NextGear respectfully request that the Fairness Hearing scheduled for September 28, 2021, be held remotely using Zoom or similar technology.

Respectfully submitted, this 24th day of August, 2021.

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